

chairman will further consult on the matter.

Mr. TIAHRT. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. Further reserving the right to object, I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, the concept of a BRAC, the Base Realignment Commission, is to remove the political process from the closure of bases in order to get us to the type of military that we need to meet today's demands to fight terrorism around the globe. And if we insert our will from another body, the Senate, into this bill, it will jeopardize that process. I do not think any of us want that here on the floor.

If we cannot relieve that dissension among our ranks on this bill, it will not pass on the floor tonight. We all would like to see this happen, because as the gentleman from Alaska has expressed, we need this bill. We need this to occur within each of our States. We need to build highways. We need the infrastructure for our economy. But if this provision is inserted, it will go beyond the concept of BRAC and take the political process out of getting the proper size and scope of our military.

So I hope that whatever provision we have within this rule will alleviate these provisions, because if they are not, the bill will not pass. I think there will be enough dissent on both sides of this great institution, on the floor, in the House, the Republicans and the Democrats, to keep this from passing.

So I hope we can correct this measure within the rule, because if not, I think we will have a failed bill. And that will not be good for this country or for the efforts that we have here tonight.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I would like to try to put this in perspective. I agree with the gentleman it is egregious this is in the bill. We had a very difficult negotiation with the Senate. This was snuck in. It is not like we are reopening a base, repositioning forces and/or equipment. We are talking about a runway.

The question is, will they, in the next month, until we can have a technical correction bill, have to run out and pull the weeds and repaint the lines on the runway? This is not exactly a major part of the BRAC process.

To forestall the passage of a bill which is almost 2 years overdue, which invests \$286.4 billion in America's infrastructure, because there might be some weeds pulled on a runway in the interim, I agree it is offensive, but we can fix it and challenge the Senate at a later date. But to hold up the entire bill and forestall the investment, there are States who are waiting today and who will spend money under this bill and commit money under this bill this construction season, putting thousands of people to work and making needed investments in America.

Mr. SHAYS. Reclaiming my time, Mr. Speaker, the gentleman is making a case well beyond this issue.

I would like to ask the gentleman a question, and would be happy to yield to him to respond. It was my understanding that this provision of 60 days had been shorter, and somehow people felt that by extending to 60 days, they had solved the objection to this bill. Is it true that when this bill came out of conference, it was less than 60 days?

Mr. DEFAZIO. I am not sure what provision the gentleman is talking about.

Mr. SHAYS. Does the gentleman know the provision I am talking about? It says, "Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall open the air field at Malmstrom Air Force Base, Montana." Open it.

Mr. DEFAZIO. Right. It would reopen a runway.

Mr. SHAYS. "And enable flying operations for all fixed-wing aircraft at that base." It is opening a base. Mr. Speaker, I am prepared to make a closing comment, and if I am not allowed to, I would object. And my closing comment is this. This is to open a base that was closed. This 60 days was added as a sop to the House, in my judgment, with all due respect, to somehow allow everybody to save face. We are not in session for all 60 days.

Mr. YOUNG of Florida. Mr. Speaker, I withdraw my unanimous consent request at this time to consult with the Senate and see if we cannot resolve this problem.

The SPEAKER pro tempore. Unanimous consent is not required. The request is withdrawn.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0015

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 12 o'clock and 15 minutes a.m.

#### CORRECTING ENROLLMENT OF H.R. 3, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 226) providing for a correction to the enrollment of H.R. 3, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 226

*Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3, the Clerk of the House of Representatives shall make the following correction: Strike section 1942 and the item relating to such section in the table of contents.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### LEGISLATIVE PROGRAM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, for the sake of communicating to the Members the situation we are in, I want to first say that I greatly appreciate the cooperation of all colleagues on both sides of the aisle. I appreciate the cooperation and work of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Wisconsin (Mr. PETRI). We greatly appreciate the institution standing together and trying to make corrections that need to be made in this bill. I appreciate the hour and everybody coming together and working together for the purpose of fixing this bill.

We will not be able to fix the bill tonight. We hope to come back at 9 a.m. in the morning and continue work on this very important highway bill. We hope to finish it as early as we can tomorrow. My message to the Members is go home, get a good night's sleep, and we will be back in the morning to finish the work of the House.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I want to express my appreciation for the kind words of the majority leader and to assure Members the issue before us is not a matter of division within the committee or between the parties of the House, but a difference or interpretation of a provision in the conference report in language that was included by a Member of the other body.

Our expectation is we will be able to resolve that matter of a limited scope and pass the broader bill which is of great importance to the whole Nation. I appreciate the support, cooperation, and participation of the majority leader, and the support of the Parliamentarian's Office in helping us bring this to a resolution.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's words.

COMMUNICATION FROM THE  
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 28, 2005.

HON. J. DENNIS HASTERT,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2005 at 11:41 p.m.:

That the Senate passed S. 792; that the Senate passed without amendment H. Con. Res. 225; that the Senate passed without amendment H.J. Res. 59.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,  
*Clerk of the House.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 19 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0107

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 1 o'clock and 7 minutes a.m.

REPORT ON RESOLUTION WAIVING  
POINTS OF ORDER AGAINST CON-  
FERENCE REPORT ON H.R. 3,  
SAFE, ACCOUNTABLE, FLEXIBLE,  
EFFICIENT TRANSPORTATION  
EQUITY ACT: A LEGACY FOR  
USERS

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-212) on the resolution (H. Res. 399) waiving points of order against the conference report to accompany the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING  
REQUIREMENT OF CLAUSE 6(a)  
OF RULE XIII WITH RESPECT TO  
CONSIDERATION OF CERTAIN  
RESOLUTIONS

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-213) on the resolution (H. Res. 400) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules,

which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PRO-  
VIDING FOR CONSIDERATION OF  
H.R. 3514, SURFACE TRANSPOR-  
TATION EXTENSION ACT OF 2005,  
PART VI

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-214) on the resolution (H. Res. 401) providing for consideration of the bill (H.R. 3514) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Ms. PELOSI) for today after 4:00 p.m. and the balance of the week.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. BRADY of Pennsylvania (at the request of Ms. PELOSI) for today before 4:00 p.m. on account of a death in the family.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 302. An act to make improvements in the Foundation for the National Institutes of Health; to the Committee on Energy and Commerce.

S. 447. An act to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Resources.

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; to the Committee on Energy and Commerce.

S. 792. An act to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

S. 1517. An act to permit Women's Business Centers to re-compete for sustainability grants; to the Committee on Small Business.

S.J. Res. 19. Joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3045. An act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.R. 3423. To amend the Federal Food, Drug, and Cosmetic Act with respect to medical advice user fees.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 45. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 571. An act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 775. An act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".

S. 904. An act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building".

S. 1395. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from the country to a second country, if certain conditions and safeguards are satisfied.

ADJOURNMENT

Mrs. CAPITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes a.m.), the House adjourned until today, Friday, July 29, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3362. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Establishment of Reporting Requirements [Docket No. FV05-983-1 FR] received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3363. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Growing [Docket No. PY-05-001] (RIN: 0581-AC44) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3364. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Establishment of Procedures for Exempting Handlers from Minimum Quality Testing [Docket No. FV05-983-4 IFR] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3365. A letter from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting the Department's final rule — Guidelines for Designating Biobased Products for Federal Procurement (RIN: 0503-AA26) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3366. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food